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HARV. L. REV. 391. A person having no property right in the thing shipped may sue on the contract of shipment if he is the person with whom or for whose benefit the contract was made. *Gratiot St. Warehouse Co. v. Missouri, K. & T. R. Co.*, 124 Mo. App. 545, 102 S. W. 11. But a suit in tort is allowed to one having a general or special property right in the thing shipped even though he be a stranger to the contract. *Schlosser v. Great Northern R. Co.*, 20 N. D. 406, 127 N. W. 502. The plaintiff has at least a "quasi-property right." *Larson v. Chase*, 47 Minn. 307, 50 N. W. 238; *Miner v. Canadian Pacific R. Co.*, 15 West. L. Rep. 161. See 28 HARV. L. REV. 322. Such an action is controlled by the law of the place where the cause of action arose, and in Alabama damages for mental anguish are recoverable. *Birmingham Transfer & Traf. Co. v. Still*, 7 Ala. App. 556, 61 So. 611.

CONSTITUTIONAL LAW — CONSTRUCTION, OPERATION, AND ENFORCEMENT OF CONSTITUTIONS — POWER OF ENGLISH COURT TO DECLARE AN ACT OF PARLIAMENT UNCONSTITUTIONAL. — The Defense of the Realm Consolidation Act empowered the King in Council to "issue regulations for securing the public safety and the defense of the realm," 5 GEO. V. c. 8. A regulation passed under this general power empowered the secretary of state to order the internment of any person "of hostile origin or association" where on the opinion of a competent military authority it appears expedient to do so. Reg. 146. Under this regulation a naturalized German was interned. He appealed on the ground that the regulation was unauthorized by the act and thus *ultra vires*. *Held* (Lord Shaw of Dunfermline, dissenting) that the regulation was authorized by the act. *Rex v. Halliday*, [1917] A. C. 261.

For a discussion of this case, see NOTES, p. 296.

CONSTITUTIONAL LAW — EQUAL PROTECTION OF THE LAWS — ACTION TO ENJOIN THE ENFORCEMENT OF TAXATION UNDER AN UNEQUAL ASSESSMENT. — The Constitution of Kentucky provided for the uniform taxation of all property, both corporate and individual, according to its fair cash value. Taxable property in general, however, was assessed at sixty per cent of actual values, while the defendants, constituting the Board of Valuation and Assessment, systematically and intentionally assessed the property of the plaintiff corporation at seventy-five per cent of its actual value. There being no diverse citizenship the jurisdiction of the federal courts was invoked under the equal protection provision of the Fourteenth Amendment. *Held*, that the acts complained of violated the Kentucky Constitution, and that an injunction should be granted. *Greene, Auditor, v. Louisville, etc. R. Co.*, 1917, U. S. Sup. Ct. Off. § 617.

The requirement of the Fourteenth Amendment that the states shall not deny the equal protection of the laws to any persons extends to the levying of taxes. See WILLOUGHBY, CONSTITUTIONAL LAW OF THE UNITED STATES, § 270. A sporadic case of inequality will not constitute a violation of the provision. *Supervisors v. Stanley*, 105 U. S. 305. See *Coulter v. Louisville, etc. R. Co.*, 196 U. S. 599, 609. But if the discrimination is persistent and systematic, though not sanctioned by the courts of the state, it will be reviewable in the federal courts. *Raymond v. Chicago Traction Co.*, 207 U. S. 20; *Home Tel. & Tel. Co. v. Los Angeles*, 227 U. S. 278. Because the sovereign may not be sued, the suit will be against the administrative officials. See GUTHRIE, THE FOURTEENTH AMENDMENT, 176. For the purposes of jurisdiction under the Fourteenth Amendment, however, their acts are regarded as the acts of the state, whose agents they are. *Chicago, etc. R. v. Chicago*, 166 U. S. 226; *Raymond v. Chicago Traction Co.*, *supra*. Whether the state does not thus become the actual party defendant must be determined by a consideration of the entire record. *Ex parte Young*, 209 U. S. 123. For unless the nominal defendants could be held liable independently and individually the suit could not be maintained.